

Reporting Professional Concerns – SH10

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1. Introduction

The school is committed to the highest standards of openness and expect employees to come forward and voice appropriate concerns. This policy covers major concerns that fall outside the scope of other procedures. All concerns will be treated in confidence and your identity will not be revealed without your prior agreement and you will not be penalised for making a disclosure. This policy is informed by the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996, which provide specific rights for workers who disclose information about alleged wrong doings in certain specific circumstances.

In other organisations this may be called a Whistleblowing Policy.

2. Scope

This policy applies to all employees and contractors and their staff working in the school including Governors, volunteers, agency staff, builders and drivers; also providers of works, services and supplies including external contractors and those providing services under a contract with the school. This policy is designed to provide a clear framework to report practice concerns in good faith without fear of reprisal or victimisation.

3. Purpose

This policy aims to:

- Encourage employees to feel confident to make a disclosure of concerns about issues that fall under this policy.

- Provide avenues for employees to raise those concerns.
- Reassure employees that they will be protected from being penalised or suffering detriment.
- Ensure that employees receive a response to their concerns and that they are made aware of how to pursue them if they are not satisfied with the response.

4. Protecting the Whistle-blower

Under the Public Interest Disclosure Act 1998 a Whistle-blower is protected from detriment and unfair dismissal. The Academy will support and not discriminate against concerned employees who apply this policy, provided any claim is made in good faith. The wrongdoing disclosed must be in the public interest.

5. What kind of concerns should be disclosed under this policy?

This policy covers any serious concerns about any aspect of service provision or the conduct of school employees. This could be something that makes you feel uncomfortable in terms of known standards; is against the school's policy; falls below established standards of practice or amounts to improper conduct.

Concerns that fall within this policy could include:

- A criminal offence has been committed, is being committed or is likely to be committed;
- A person has failed, is failing or is likely to fail to comply with any legal obligations;
- Disclosures relating to miscarriages of justice;
- Health and Safety risks, including risks to the public;
- Damage to the environment;
- Something that is against school policies;
- Information relating to any of the above categories is being or is likely to be deliberately concealed

Please note that the Grievance Procedure exists to enable you to lodge a grievance relating to any matter concerning your own employment that you are unhappy about, in particular, matters that fall outside this policy. This policy should not be used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which you disagree.

6. Confidentiality

You are encouraged to put your name to allegations as anonymous concerns are much less powerful. However, anonymous concerns will still be considered by the school management and governing body. Harassment or victimisation will not be tolerated and appropriate action will be taken to protect you.

7. The Procedure

- 6.1 The Representer (the person raising the concern) can do so either orally or in writing to the Headteacher.

- 6.2 In cases where your concerns relate to the Headteacher, you can approach the Chair of Governors.
- 6.3 The person with whom the matter is raised is referred to as the 'Assessor'.
- 6.4 The Assessor will:-
 - 6.4.1 Interview the Representor as soon as possible within five school working days, in confidence.
 - 6.4.2 Obtain as much information as possible from the Representor about the grounds for the belief of wrongdoing;
 - 6.4.3 Consult with the Representor about further steps which could be taken;
 - 6.4.4 Advise the Representor of the appropriate route if the matter does not fall under this procedure;
 - 6.4.5 Report all matters raised under this procedure to the Chair of the Trustees (unless the concern relates to the Headteacher).
- 6.5 At the interview with the Assessor the Representor may be accompanied by a recognised trade union representative or a work colleague. The Assessor should be accompanied by a member of the Academy staff to take notes.

The Representor will be expected to give as much background and history as possible and, whilst not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that they are making the disclosure in good faith and that they reasonably believe that the information disclosed, and any allegation contained within it, are substantially true. None of this policy will apply unless they act in good faith.

The Assessor may disclose the matter to a professionally qualified lawyer or other suitable professional, such as independent HR consultants, in order to assess the nature of the case and to inform the outcome of the investigation.

- 6.6 Within ten school working days of the interview, the Assessor will recommend one or more of the following:-
 - 6.6.1 The matter will be further investigate internally by the Academy Trust;
 - 6.6.2 The matter be further investigated by external consultants appointed by the Academy Trust;
 - 6.6.3 The matter be reported to an external agency;
 - 6.6.4 Disciplinary proceedings be implemented against an employee;
 - 6.6.5 The route for the Representor to pursue if the matter does not fall within this procedure;
 - 6.6.6 No further action is taken by the Academy Trust.
- 6.7 The grounds on which no further action is taken include:
 - 6.7.1 The Assessor is satisfied that, on the balance of probabilities, there is no evidence that wrongdoing within the meaning of this procedure has occurred, is occurring or is likely to occur;
 - 6.7.2 The Assessor is satisfied that the Representor is not acting in good faith;
 - 6.7.3 The matter is already, or has been, the subject of proceedings under one of the Academy Trusts other procedures or policies;
 - 6.7.4 The matter concerned is already, or has been, the subject of legal proceedings, or has already been referred to an external agency.

- 6.8 The Headteacher or Chair of Trustees will ensure that any recommendations are implemented unless there is good reason for not doing so in whole or part. Such a reason will be reported to the next meeting of the Board of Trustees.
- 6.9 The Representor's identity will be kept confidential unless the Representor otherwise consents or unless there are grounds to believe that the Representor has acted maliciously. In the absence of such consent or grounds, the Assessor will not review the identity of the Representor except:
- 6.9.1 Where the Assessor has a legal obligation to do so;
 - 6.9.2 Where the information is already in the public domain; or
 - 6.9.3 On a legally privileged basis to a professional for the purpose of obtaining legal advice.
- 6.10 The conclusion of any agreed investigation will be reported by the Assessor to the Representor within twenty school working days of the initial interview.
- 6.11 All responses to the Representor will be made in writing and sent as Confidential.
- 6.12 If the Representor has not had a response within the above time limit or such reasonable extension as the Academy Trust requires, the Representor may go to an appropriate external agency, listed in paragraph 9, but will inform the Assessor before doing so.
- 6.13 The Representor may at any time disclose the matter on a legally privileged basis to a professionally qualified lawyer for the purpose of taking legal advice.

8. Malicious Accusations

A deliberately false or malicious accusation made by a Representor is a disciplinary offence and will be dealt with under the Academy Trusts disciplinary procedure, as well as potentially exposing the Representor to legal liability.

9. Making an external disclosure

Within the Academy all staff have a duty of confidentiality. The duty of confidentiality is implied by law in every contract of employment and prohibits employees from publicly disclosing employers' confidential information, unless it is in the public interest that the information is disclosed or unless the Academy fails to follow required procedures. Other legal restrictions on the disclosure of information, for example under data protection legislation, may also apply.

Whistleblowing to an external agency without first going through the internal procedure is a breach of the Academy Trusts Code of Conduct. The external agencies which may be used if disclosure is permitted are:

- ESFA
- Member of Parliament;
- National Audit Office;
- Health and Safety Executive;
- Police

Whistleblowing to the media is not appropriate or permitted in any circumstances. Any breach of this policy in this regard will be subject to disciplinary action under the Academy Trusts Staff Code of Conduct and Disciplinary Policy and procedure.

10. Review

This policy will be reviewed by the Staffing Committee every three years.

Approved by:	Andrew Phillips
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